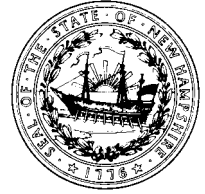




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES
Subsurface Systems Bureau
29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
603-271-3501 FAX 603-271-6683



485-A Waiver Request

Note: A separate form is required for each rule/section/item for which a waiver is requested.

Owner's Name: _____
Lot/Subdivision: _____
Project Location - Street/City: _____
Applicant/Designer's Name: _____ Permit No: _____
Address: _____
City: _____ State: _____ Zip: _____

RSA 485-A:41, IV allows the Commissioner to grant waivers. These may be granted in accordance with Administrative Rules Section Env-Ws 1001.02 of Chapter Env-Ws 1000. (See **reverse side** of this form).

REQUIRED INFORMATION: (Use additional pages if necessary & attach backup calculations and data)

1. Rule/Section for which waiver is being sought:

Number: **Env-Ws** _____

Rule/Section requirement: _____

2. Reason waiver necessary: _____

Hardship caused by adhering to rule: _____

3. Explanation of alternative sought by waiver: _____

4. Full explanation of how granting of requested waiver is consistent with the intent of RSA 485-A: _____

5. Demonstrate how the alternatives proposed are at least equivalent to the specific requirements contained in the rule: _____

REQUIRED SIGNATURES: Owner's signature acknowledges agreement and consent to this waiver:

Applicant: _____
Signature

Date

Owner: _____
Signature

Date

485-A SEWAGE DISPOSAL SYSTEMS (Intent and Purpose):

485-A:1 Declaration of Purpose. The purpose of this chapter is to protect water supplies, to prevent pollution in the surface and groundwaters of the state and to prevent nuisances and potential health hazards. In exercising any and all powers conferred upon the Department of Environmental Services under this chapter, the Department shall be governed solely by criteria relevant to the declaration of purpose set forth in this section.

Rev. July 1, 1996

485-A:41, IV RULEMAKING; DUTIES OF THE COMMISSIONER:

IV. Adopt rules, pursuant to RSA 541-A and after public hearing, relative to the implementation of this subdivision. The Commissioner shall adopt rules relative to the circumstances under which the Commissioner may grant a waiver of any rule, except that no waivers of rules relating to site loading or set-back distances to ground or surface waters shall be allowed for sewage or waste disposal systems on lots in subdivisions created after September 1, 1989. A waiver must be consistent with the intent of this subdivision and have a just result. In particular, an encroachment waiver shall meet the following criteria:

- (a) The proposed waiver shall not encroach upon the right of the owner of abutting property to fully utilize his land, unless said property owner has granted consent in the form of a signed waiver or deeded easement; and
- (b) Denial of the waiver would result in unnecessary hardship to the owner due to special characteristics of the property.

Rev. July 1, 1996

Chapter Env-Ws 1000 - SUBDIVISION AND INDIVIDUAL SEWAGE DISPOSAL SYSTEM DESIGN RULES **Env-Ws 1001.02 WAIVERS:**

...(b) Any application filed pursuant to these rules may include one or more requests for a waiver of specific rules outlined in the chapter as set forth in this section:

(c) All requests for waivers, including requests for encroachment waivers as defined by RSA 485-A:2, III-a, shall be submitted to the department pursuant to RSA 485-A:41, IV.

(d) Each applicant's request for a waiver shall include the following information:

- (1) A specific reference to the section of the rule for which a waiver is being sought;
- (2) A full explanation of why a waiver is necessary and demonstration of hardship caused if the rule is adhered to;
- (3) A full explanation of the alternatives for which a waiver is sought, with backup calculations and data for support; and
- (4) A full explanation of how the grant of the waiver is consistent with the intent of RSA 485-A.

(e) The department shall approve a request for waiver upon finding that:

- (1) The alternatives proposed are at least equivalent to the specific requirements contained in the rule; or
- (2) If the alternatives proposed are not equivalent to the requirements contained in the rule, they are adequate to ensure that the intent of RSA 485-A is met.

(f) Waivers shall be granted in writing as part of the approval, shall expire with the approval and shall be transferable with the approval.

(g) A formal waiver request form shall be completed by the applicant which contains all of the above requirements. The owner shall co-sign and acknowledge agreement and consent to all waiver requests.

(h) The department shall deny a request for waiver upon finding that:

- (1) The alternatives proposed are not equivalent to the specific requirements contained in the rule; or
- (2) The alternatives proposed are not adequate to ensure that the intent of RSA 485-A is met.

(i) Waivers shall be denied in writing as part of the denial of the application.